

## CCRB INVESTIGATIVE RECOMMENDATION

|  |                                     |                           |   |                                    |                                 |
|--|-------------------------------------|---------------------------|---|------------------------------------|---------------------------------|
| Investigator:<br>Evan Tims                       | Team:<br>Squad #5                   | CCRB Case #:<br>201911027 | <input type="checkbox"/> Force                        | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |                                     |                           | <input checked="" type="checkbox"/> Abuse             | <input type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Friday, 12/27/2019 6:00 AM   | Location of Incident:<br>§ 87(2)(b) | Precinct:<br>105          | 18 Mo. SOL<br>6/27/2021                               | EO SOL<br>2/11/2022                |                                 |
| Date/Time CV Reported<br>Mon, 12/30/2019 1:16 PM | CV Reported At:<br>CCRB             | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Mon, 12/30/2019 1:16 PM |                                    |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |
|                    |      |              |
|                    |      |              |
|                    |      |              |
|                    |      |              |

| Witness(es) | Home Address |
|-------------|--------------|
|             |              |

| Subject Officer(s) | Shield | TaxID  | Command |
|--------------------|--------|--------|---------|
| 1. DT3 Howard Kwok | 4766   | 950711 | NARCBQS |

| Witness Officer(s)       | Shield No | Tax No | Cmd Name |
|--------------------------|-----------|--------|----------|
| 1. CPT Matthew Rizzuto   | 00000     | 943742 | DBQ Z24  |
| 2. LT Javier Rodriguez   | 00000     | 939338 | NARCBQS  |
| 3. SGT Ehtasham Khan     | 02329     | 945878 | NARCBQS  |
| 4. DT3 Steven Acevedo    | 4092      | 949959 | NARCBQS  |
| 5. DT3 Ramon Garcia      | 6082      | 947650 | NARCBQS  |
| 6. DT3 Novonil Chowdhury | 2078      | 953755 | NARCBQS  |
| 7. POM Michael Fischer   | 13830     | 957589 | NARCBQS  |
| 8. DT3 Brandon Agosto    | 1084      | 952386 | NARCBQS  |
| 9. DT3 Thomas Marfoglio  | 1757      | 951966 | NARCBQS  |
| 10. POM Philip Giardina  | 02006     | 956676 | NARCBQS  |
| 11. DT3 Gina Griffin     | 00246     | 930272 | NARCBQS  |
| 12. DT3 Stephen Jones    | 00790     | 921880 | NARCBQS  |
| 13. DT3 Michael Russo    | 3360      | 949593 | NARCBQS  |
| 14. DT3 Nicholas Turco   | 5877      | 950620 | NARCBQS  |
| 15. LCD Philip Marks     | 00000     | 901913 | NARCBQS  |

| Officer(s)        | Allegation  | Investigator Recommendation |
|-------------------|---|-----------------------------|
| A.DT3 Howard Kwok | Abuse: Detective Howard Kwok entered § 87(2)(b) in Queens.  |                             |
| B.DT3 Howard Kwok | Abuse: Detective Howard Kwok searched § 87(2)(b) in Queens. |                             |
| C.DT3 Howard Kwok | Abuse: Detective Howard Kwok damaged § 87(2)(b)'s property. |                             |

| Officer(s)        | Allegation  | Investigator Recommendation |
|-------------------|---|-----------------------------|
| D.DT3 Howard Kwok | Abuse: Detective Howard Kwok damaged § 87(2)(b) s property. |                             |
| E.DT3 Howard Kwok | Abuse: Detective Howard Kwok damaged § 87(2)(b) s property. |                             |
| F.DT3 Howard Kwok | Abuse: Detective Howard Kwok damaged § 87(2)(b) s property. |                             |

### Case Summary

On December 30, 2019, § 87(2)(b) filed this complaint with the CCRB by phone.

On December 27, 2019, at approximately 6 a.m., officers forcibly entered and searched § 87(2)(b)'s residence at § 87(2)(b) in Queens, while executing a no-knock search warrant obtained by Detective Howard Kwok of Narcotics Borough Queens South (**Allegations A-B: Abuse of Authority, § 87(2)(g)**). Det. Kwok allegedly damaged property belonging to § 87(2)(b) to his girlfriend § 87(2)(b) and to two additional residents, § 87(2)(b) and § 87(2)(b) (**Allegations C-F: Abuse of Authority, § 87(2)(g)**).

The officers arrested § 87(2)(b) and another resident, § 87(2)(b) after finding narcotics and paraphernalia in the residence (**BR01**).

The investigation did not obtain video footage in this case. The officers who executed the warrant were not equipped with BWCs at the time of the incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Detective Howard Kwok entered § 87(2)(b) in Queens.**

**Allegation (B) Abuse of Authority: Detective Howard Kwok searched § 87(2)(b) in Queens.**

**Allegation (C) Abuse of Authority: Detective Howard Kwok damaged § 87(2)(b)'s property.**

**Allegation (D) Abuse of Authority: Detective Howard Kwok damaged § 87(2)(b)'s property.**

**Allegation (E) Abuse of Authority: Detective Howard Kwok damaged § 87(2)(b)'s property.**

**Allegation (F) Abuse of Authority: Detective Howard Kwok damaged § 87(2)(b)'s property.**

In his phone statement and sworn statement with the CCRB, which were generally consistent, § 87(2)(b) recounted that he and § 87(2)(b) were in the same room and woke up to the officers entering the residence (**BR02-BR03**). An officer smashed down a closet door in the hallway with a sledgehammer, and § 87(2)(b) and § 87(2)(b) were escorted to the living room, where they found the other residents of the house. § 87(2)(b) and the other residents of the house were brought to a van and transported to the stationhouse. § 87(2)(b)'s elderly father, § 87(2)(b) was not arrested and was the only resident left inside the residence after the officers left the scene. § 87(2)(b) later learned that his friend “§ 87(2)(b)” checked on the property after the officers left, and “§ 87(2)(b)” encountered unknown individuals who had entered the residence and rummaged through the items inside. The intruders fled upon encountering “§ 87(2)(b)”

§ 87(2)(b) did not witness damage occur to his television or to § 87(2)(b)'s phone. However, when § 87(2)(b) returned to the residence after his release, he found his television on the ground with an electric heater resting on top of it. The television screen was cracked, and § 87(2)(b)'s iPhone screen was shattered. § 87(2)(b) provided photographs to the CCRB that depicted a broken iPhone and television screen (**BR04-BR07**).

In her phone statement, § 87(2)(b) also stated that she returned to the residence to find her phone screen broken (**BR08**).

§ 87(2)(b) provided a phone statement that conformed with the narrative provided by § 87(2)(b) and § 87(2)(b). Additionally, § 87(2)(b)'s Playstation video game console did not function after the incident, although it did not sustain visible damage, and he did not witness the damage to the console take place (**BR09**).

In his phone statement, § 87(2)(b) recounted that his Apple computer did not turn on after the incident, although he also did not witness the damage take place and the computer did not sustain visible damage (**BR10**). § 87(2)(b) found that food from his refrigerator had been thrown around the room, and that the interior glass bottom of his microwave was shattered. The screen of § 87(2)(b) wall-mounted television was broken as well. § 87(2)(b) did not see any of this damage take place but found it upon returning to the residence after his release.

Det. Kwok recounted that he was the sole officer to conduct the search of the residence (**BR11**). The search warrant was for narcotics and controlled substances, specifically marijuana and related paraphernalia. Det. Kwok confirmed that he damaged the front door, two bedroom doors on the second floor, and bedroom doors on the first floor in the course of entering and searching the residence. He denied that he damaged any other property, and he testified that there was no procedural reason for him to handle electronics such as a cellphone. He acknowledged that there may have been reason to remove a wall-mounted television from its mount, or a television standing on a counter, because such an object might conceal narcotics. However, he denied that he damaged the television or cellphone in § 87(2)(b)'s room, § 87(2)(b)'s video game console, § 87(2)(b) computer, or the walls of § 87(2)(b)'s room. Det. Kwok also denied dumping food out of containers in § 87(2)(b) room, and he denied damaging the microwave or wall-mounted television in § 87(2)(b) room. Det. Kwok confirmed that the officers did not lock the residence when they left, because one resident was left inside.

The investigation confirmed that Detective Kwok obtained a search warrant for § 87(2)(b)'s residence seven days prior to the incident. The warrant had warrant number § 87(2)(b) and was signed by the Hon. § 87(2)(b) (**BR01**). The warrant was a “no-knock” warrant, in that it directed officers to enter without first announcing their purpose or authority.

NYS Criminal Procedure Law §690.50 permits officers who have obtained a valid judge-issued search warrant to enter and search the location (**BR21**).

§ 87(2)(g)  
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#### Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other complaint with the CCRB (**BR12**):
  - § 87(2)(b)

- This is the first complaint to which § 87(2)(b) has been a party (**BR13**)
- This is the first complaint in which § 87(2)(b) has been a complainant or victim (**BR14**).
- This is the first complaint to which § 87(2)(b) has been a party (**BR15**)
- Detective Howard Kwok has been a member of the NYPD for eight years and has been a subject in three complaints and four allegations, none of which was substantiated. § 87(2)(g)

#### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- A search of records of the Office of Court Administration (OCA) showed no convictions for § 87(2)(b) (**BR19**).
- As of June 30, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (**BR20**).

Squad No.: 5

Investigator: Evan Tims      Inv. Evan Tims      March 17, 2021  
Signature      Print Title & Name      Date

Squad Leader: Daniel Giansante      IM Daniel Giansante      March 17, 2021  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date